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Attorneys for Defendants

LIBERTY MUTUAL GROUP, INC. dba LIBERTY

MUTUAL INSURANCE and LIBERTY MUTUAL

FIRE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MICHAEL SMITH and SANDRA  
SMITH,

Plaintiffs,

vs.

LIBERTY MUTUAL GROUP, INC.  
dba LIBERTY MUTUAL  
INSURANCE, a Foreign For Profit  
Corporation; JOHN AND MARY  
DOES 1-10; DOE PARTNERSHIPS,  
CORPORATIONS OR OTHER  
ENTITIES 1-10,

Defendants.

CIVIL NO. 15-00128  
(Declaratory Judgment)

DEFENDANT LIBERTY MUTUAL  
GROUP, INC.'S NOTICE OF  
REMOVAL; EXHIBIT "A";  
CERTIFICATE OF SERVICE

No trial date set.

**DEFENDANT LIBERTY MUTUAL GROUP, INC.'S  
NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
HAWAII:

1. Defendant LIBERTY MUTUAL GROUP, INC. dba LIBERTY MUTUAL INSURANCE (“Liberty Mutual”), is and was at all times relevant hereto, including without limitation the date on which Plaintiffs MICHAEL SMITH and SANDRA SMITH (“Plaintiffs”) filed their Complaint in the Circuit Court of the First Circuit on March 17, 2015, and the date on which Liberty Mutual filed its Notice of Removal, a corporation duly organized and existing under the laws of the State of Massachusetts, with its principal place of business in Boston Massachusetts.

2. The entity which actually issued the insurance policy at issue in the instant lawsuit is Liberty Mutual Fire Insurance Company (“LMFIC”). LMFIC is a Wisconsin corporation with its principal place of business in Boston, Massachusetts.

3. Upon information and belief, Plaintiffs MICHAEL SMITH and SANDRA SMITH are and were, at all times relevant hereto, including the date on which they filed the Complaint herein (**Exhibit “A”** hereto) and the date on which Liberty Mutual filed its Notice of Removal, residents of the City and County of Honolulu and citizens of the State of Hawaii and the United States of

America. Accordingly, there is complete diversity of citizenship between the parties.

4. On March 17, 2015 Plaintiffs filed their Complaint in the Circuit Court of the First Circuit, State of Hawaii, which has designated the case as Civil No. 15-1-0479-03 GWBC. A true and correct copy of the Complaint is attached hereto as **Exhibit “A.”** Plaintiffs seek a judicial declaration that they are entitled to underinsured motorists (“UIM”) coverage of \$300,000 under a certain insurance policy issued by Liberty Mutual.

5. There is an ongoing controversy between Plaintiffs and Liberty Mutual over the maximum amount of UIM benefits payable under the subject insurance policy. The Plaintiffs claim the total coverage available is \$300,000, while Liberty Mutual asserts that the maximum amount available under the policy is \$100,000.

6. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (diversity of citizenship), as there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.

7. This notice of removal is made pursuant to 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Defendant Liberty Mutual prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to

the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, April 15, 2015.

/s/ David R. Harada-Stone

RICHARD B. MILLER

PATRICIA KEHAU WALL

DAVID R. HARADA-STONE

Attorneys for Defendant

LIBERTY MUTUAL GROUP, INC. dba

LIBERTY MUTUAL INSURANCE and

LIBERTY MUTUAL FIRE INSURANCE  
COMPANY